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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/026,010

Applicant(s)

HAYDUK, MATTHEW A.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

A. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

B. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 11-12, 16, 19-20 & 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila et al. [US 6591116] and Bridges et al. [US 6546246] (hereinafter Bridges) (hereinafter Laurila), further in view of Akhterzzaman et al. [US 20030008644] (hereinafter Akhterzzaman).

1. Regarding claim 1, Laurila disclose A mobile communication device having characteristics defined with a classmark (col.2; 41-55), comprising:  
a processor (18; fig.1; col.4; 1-14), and  
a communication module (28; fig.1) coupled to the processor. (col.7; 37-49)

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Laurila fails to disclose modify the classmark to alter how the mobile communication device interacts with a second wireless network. However, Bridges teaches in an analogous art, that wherein the mobile communication device is adapted to permit a first wireless network to update information used to modify the classmark and alter how the mobile communication device interacts with a second wireless network with the communication module. (updating the list based on preferred wireless carrier; 67; Fig.2A, Col.9; 52-66, Col.6; 34-55) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modify the classmark to alter how the mobile communication device interacts with a second wireless network in order to provide updates a list of preferred wireless carrier in the memory of wireless communication device.

Additionally, the above combinations fail to disclose the modification of classmark. However, Akhterzzaman teaches in an analogous art, that the modification of classmark. (Pg.1; 0011 and Pg.3; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the modification of classmark in order to provide a method for preventing the incoming calls.

4. Regarding claim 4, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to communicate with the second communication network. (col.7; 28-49)

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5. Regarding claim 5, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to access user information from the second wireless network. (col.7; 28-49)

6. Regarding claim 6, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to alter communication between the mobile communication device and the second wireless network. (col.7; 28-49)

11. Regarding claim 11, Laurila disclose A method of interacting with a first network and a second network with a portable communication device, (col.2; 41-55) comprising:

Laurila fails to disclose modifying a classmark of the portable communication device with the first network. However, Bridges teaches in an analogous art, that sending data from the first network to modify a classmark of the portable communication device. (updating the list based on preferred wireless carrier; 67; Fig.2A, Col.9; 52-66, Col.6; 34-55 and Col.17; 29-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying a classmark of the portable communication device with the first network in order to provide updates a list of preferred wireless carrier in the memory of wireless communication device.

Additionally, the above combinations fail to disclose the modification of classmark. However, Akhterzzaman teaches in an analogous art, that the modification of classmark. (Pg.1; 0011 and Pg.3; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at

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the time of invention to include the modification of classmark in order to provide a method for preventing the incoming calls.

12. Regarding claim 12, Laurila disclose The method of claim 11, wherein modifying the classmark alters how the second network interacts with the portable communication device. (col.7; 28-49)

16. Regarding claim 16, Laurila disclose The method of claim 11, further comprising: polling the portable communication device with the first network to determine the classmark of the portable communication device. (col.7; 28-49)

19. Regarding claim 19, Laurila disclose A method comprising:  
polling a portable communication device from a first network to determine the classmark of the portable device; (col.2; 41-55) and

Laurila fails to disclose sending data from the first network to update and modify the classmark of the portable communication device. However, Bridges teaches in an analogous art, that sending data from the first network to update and modify the classmark of the portable communication device. (updating the list based on preferred wireless carrier; 67; Fig.2A, Col.9; 52-66, Col.6; 34-55 and Col.17; 29-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include sending data from the first network to update and modify the classmark of the portable communication device in order to provide updates a list of preferred wireless carrier in the memory of wireless communication device.

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Additionally, the above combinations fail to disclose the modification of classmark.

However, Akhterzzaman teaches in an analogous art, that the modification of classmark. (Pg.1; 0011 and Pg.3; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the modification of classmark in order to provide a method for preventing the incoming calls.

20. Regarding claim 20, Laurila disclose The method of claim 19, wherein modifying the classmark includes altering how a second network interacts with the portable communication device. (col.7; 28-49)

24. Regarding claim 24, Laurila disclose An article comprising a storage medium having stored thereon instructions, that, when executed by a computing platform, results (abstract) in: polling a portable communication device from a first network to determine the classmark of the portable device; (col.2; 41-55) and

Laurila fails to disclose initiate a process to update and modify the classmark of the portable communication device with a command from the first network. However, Bridges teaches in an analogous art that initiate a process to update and modify the classmark of the portable communication device with a command from the first network. (updating the list based on preferred wireless carrier; 67; Fig.2A, Col.9; 52-66, Col.6; 34-55 and Col.17; 29-45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include initiate a process to update and modify the classmark of the portable communication

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device with a command from the first network in order to provide updates a list of preferred wireless carrier in the memory of wireless communication device.

25. Regarding claim 25, Laurila disclose The article of claim 24, wherein the instructions, when executed, further result in: altering how a second network interacts with the portable communication device. (col.7; 28-49)

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Bridges, Akhterzzaman further in view of Rousseau et al. [US 6141547] (hereinafter Rousseau).

2. Regarding claim 2, the above combination discloses all the particulars of the claim except an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network. However, Rousseau teaches in an analogous art, that the mobile communication device of claim 1, further comprising an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network. (col.4; 5-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network in order to provide a module which can operate in cellular network as well as cordless network.



3. Regarding claim 3, Laurila disclose The mobile communication device of claim 2, wherein the communication module is adapted to communicate with a wireless local area network (col.8; 33-36) and the alternate communication module is adapted to communicate with a cellular network. (col.3; 54-65)

Claims 7-8, 13-15, 22-23 & 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Bridges, Akhterzzaman further in view of Vestergaard et al. [US 2002/0119776] (hereinafter Vestergaard).

7. Regarding claim 7, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network. However, Vestergaard teaches in an analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network in order to provide whether user accept/decline the handover.

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8. Regarding claim 8, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user. However, Vestergaard teaches in an analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user. (pg.5; 0076) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user in order to provide whether user accept/decline the handover.

13. Regarding claim 13, the above combination discloses all the particulars of the claim except modifying the classmark disables communication between a user of the portable communication device and the second network. However, Vestergaard teaches in an analogous art, that The method of claim 12, wherein modifying the classmark disables communication between a user of the portable communication device and the second network. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark disables communication between a user of the portable communication device and the second network in order to provide whether user accept/decline the handover.

14. Regarding claim 14, the above combination discloses all the particulars of the claim except modifying the classmark disables the second network from interacting with the portable communication device. However, Vestergaard teaches in an analogous art, that The method of

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claim 11, wherein modifying the classmark disables the second network from interacting with the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark disables the second network from interacting with the portable communication device in order to provide whether user accept/decline the handover.

15. Regarding claim 15, the above combination discloses all the particulars of the claim except exchanging information between the second network and the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The method of claim 11, further comprising: exchanging information between the second network and the first network via the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include exchanging information between the second network and the first network via the portable communication device in order to provide whether user accept/decline the handover.

22. Regarding claim 22, the above combination discloses all the particulars of the claim except transferring information from a second network to the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The method of claim 19, further comprising transferring information from a second network to the first network via the portable communication device. (pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transferring information from a

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second network to the first network via the portable communication device in order to provide whether user accept/decline the handover.

23. Regarding claim 23, the above combination discloses all the particulars of the claim except disabling a service from a second network to a user of the portable communication device.

However, Vestergaard teaches in an analogous art, that The method of claim 19, further comprising disabling a service from a second network to a user of the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include disabling a service from a second network to a user of the portable communication device in order to provide whether user accept/decline the handover.

27. Regarding claim 27, the above combination discloses all the particulars of the claim except transferring information from a second network to the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The article of claim 24, wherein the instructions, when executed, further result in: transferring information from a second network to the first network via the portable communication device. (pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transferring information from a second network to the first network via the portable communication device in order to provide whether user accept/decline the handover.

28. Regarding claim 28, the above combination discloses all the particulars of the claim except disabling a service from a second network to a user of the portable communication device.

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However, Vestergaard teaches in an analogous art, that The article of claim 24, wherein the instructions, when executed, further result in: disabling a service from a second network to a user of the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include disabling a service from a second network to a user of the portable communication device in order to provide whether user accept/decline the handover.

Claims 9-10, 21 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Bridges, Akhterzzaman further in view of Roel-Ng et al. [US 6002936] (hereinafter Roel-Ng).

9. Regarding claim 9, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service. However, Roel-Ng teaches in an analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service in order to provide knowledge of all the available networks in cellular network.

10. Regarding claim 10, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network.

However, Roel-Ng teaches in an analogous art, that the mobile communication device of claim 9, wherein the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network in order to provide knowledge of all the available networks in cellular network.

21. Regarding claim 21, the above combination discloses all the particulars of the claim except modifying the classmark includes changing what services are available to a user from a second network. However, Roel-Ng teaches in an analogous art, that The method of clam 19, wherein modifying the classmark includes changing what services are available to a user from a second network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark includes changing what services are available to a user from a second network in order to provide knowledge of all the available networks in cellular network.

26. Regarding claim 26, the above combination discloses all the particulars of the claim except modifying the classmark includes changing what services are available to a user from a second network. However, Roel-Ng teaches in an analogous art, that The article of claim 24, wherein modifying the classmark includes changing what services are available to a user from a second network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark includes changing what services are available to a user from a second network in order to provide knowledge of all the available networks in cellular network.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Bridges, Akhterzzaman further in view of Rosenberg et al. [US 2003/0013434] (hereinafter Rosenberg).

17. Regarding claim 17, the above combination discloses all the particulars of the claim except provisional control of the portable communication device with the first network. However, Rosenberg teaches in an analogous art, that The method of claim 11, further comprising: requesting provisional control of the portable communication device with the first network. (Pg.2; 0019 & Pg.5; 0061) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include provisional control of the portable communication device with the first network in order to provide a method for provisioning wireless services on a wireless device.

18. Regarding claim 18, Laurila disclose The method of claim 17, further comprising: transferring information from the second network to the first network via the portable communication device. (col.7; 28-49)

### *Conclusion*

C. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Einola et al. (US 6771964) teaches a method and a wireless telecommunication system of performing network-assisted handover of calls between a serving network and another wireless network that employs communication protocols different from those of the serving network. (Abstract, Col.3; 24-37 and Col.5; 63-67).

D. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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E. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8-5:30) alternate Fri. (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
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1 March 2005



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